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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAFILED
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'08 MJ 0341

UNITED STATES OF AMERICA,)	Magistrate Docket No.
)	
Plaintiff,)	
)	<u>COMPLAINT FOR VIOLATION OF:</u>
v.)	
Carmelo GONZALEZ-Vasquez,)	Title 8, U.S.C., Section 1326
)	Deported Alien Found in the
)	United States
Defendant)	
)	

The undersigned complainant, being duly sworn, states:

On or about **February 5, 2008** within the Southern District of California, defendant, **Carmelo GONZALEZ-Vasquez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF FEBRUARY, 2008

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Carmelo GONZALEZ-Vasquez****PROBABLE CAUSE STATEMENT**

On February 5, 2008 Border Patrol Agent W. Stephens was performing his assigned patrol duties in the Imperial Beach Border Patrol Station area of responsibility. At approximately 6:20 PM Agent Stephens observed a total of six individuals running north from the United State/Mexico international boundary fence in the area known as "the 90's". This area is located approximately five miles west of the port of entry at San Ysidro, California and directly north of the border. Agent Stephens approached the six subjects and identified himself as a Border Patrol Agent. Agent Stephens then queried the individuals as to their immigration status. All six individuals, including the defendant, Carmelo GONZALEZ-Vasquez, admitted to being citizens and nationals of Mexico illegally present in the United States. At 6:30 P.M. Agent Stephens placed the group under arrest and transported them to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 30, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his right and agreed to be interviewed without representation. The defendant admitted that the criminal and immigration history found was his.